

ORDINANCE NO. 17-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO

WHEREAS, the City Council of the City of Arlington, Texas (the “City”), hereby finds and determines that it is necessary and advisable to call and hold an election in the City for the purpose of submitting certain propositions pertaining to the issuance of bonds for the purposes of an active adult recreation facility (commonly known as Senior Center) to be located on a portion of land, located south of State Highway 303, east of West Green Oaks Boulevard, west of Lakewood Drive and north of Arkansas Lane, with a general physical address being 1901 Lakewood Drive, Arlington Texas, commonly known as the Pierce Burch Water Treatment Plant and as hereinafter set forth; and

WHEREAS, the City Council hereby finds and determines that said election shall be held on a uniform election date established by Section 41.001(a) Texas Election Code, as amended, as required by Texas law; and

WHEREAS, the City Council hereby finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

Section 2. Election Ordered; Date; Propositions. An election (the “Election”) shall be held for and within the City on Saturday, May 6, 2017 (“Election Day”), a uniform election date established by Section 41.001(a) of the Texas Election Code, as amended (the “Code”). At the Election the following propositions (the “Proposition”) shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION NO. 1

“Shall the City Council of the City of Arlington, Texas, be authorized to issue general obligation bonds of the City in the amount of \$45,000,000 for the purpose of providing funds for permanent public improvements, to wit: designing, developing, constructing, equipping and furnishing an active adult recreation facility (commonly known as

Senior Center) to be located on a portion of land, located south of State Highway 303, east of West Green Oaks Boulevard, west of Lakewood Drive and north of Arkansas Lane, with a general physical address being 1901 Lakewood Drive, Arlington Texas, commonly known as the Pierce Burch Water Treatment Plant, including the acquisition of land therefor; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

Section 3. Official Ballot. The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote "FOR" or "AGAINST" the Proposition, which shall be set forth on the ballots in substantially the following form:

PROPOSITION NO. 1

- | | | |
|--------------------------|---------|---|
| <input type="checkbox"/> | FOR | THE ISSUANCE OF \$45,000,000 GENERAL OBLIGATION BONDS FOR AN ACTIVE ADULT RECREATION FACILITY (COMMONLY KNOWN AS SENIOR CENTER) TO BE LOCATED ON A PORTION |
| <input type="checkbox"/> | AGAINST | OF LAND, LOCATED SOUTH OF STATE HIGHWAY 303, EAST OF WEST GREEN OAKS BOULEVARD, WEST OF LAKEWOOD DRIVE AND NORTH OF ARKANSAS LANE, WITH A GENERAL PHYSICAL ADDRESS BEING 1901 LAKEWOOD DRIVE, ARLINGTON TEXAS, COMMONLY KNOWN AS THE PIERCE BURCH WATER TREATMENT PLANT, AND THE LEVYING OF A TAX IN PAYMENT THEREOF. |

Section 4. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 5. Election Precincts, Voting Locations and Voting Hours on Election Date. The voting precincts for the Election are hereby designated to be those municipal voting precincts identified by their respective county precinct numbers as determined by the Elections Administrator. Such locations incorporated herein by reference for all purposes; provided, however, such times and locations may be changed if so directed by the Elections Administrator without further action of the City Council. The Elections Administrator of Tarrant County is hereby authorized and directed to make such changes in polling locations as may be necessary for the proper conduct of the Election. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

Section 6. Early Voting Locations, Dates and Times. (a) The Elections Administrator of Tarrant County is hereby appointed as Early Voting Clerk for the election. Deputy early voting

judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier St., Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Tarrant County Elections Center, P.O. Box 961011, Fort Worth, Texas 76161-0011. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above, such location may be changed or additional early voting locations may be added by the Elections Administrator, without further action of the City Council, as is necessary for the proper conduct of the Election.

(b) In addition to the main early voting polling location, City of Arlington voters may vote at all early voting polling locations as designated and maintained by Tarrant County throughout the County such locations as listed in Exhibit A attached hereto.

(c) Early voting by personal appearance shall begin on Monday, April 24, 2017, and shall end at 7:00 p.m. on Tuesday, May 2, 2017, with the voting times to be as follows:

April 24 (Monday through Friday) April 28, 2017	8:00 AM -5:00 PM
April 29 (Saturday)	7:00 AM -7:00 PM
April 30 (Sunday)	11:00 AM - 4:00 PM
May 1 (Monday and Tuesday) May 2	7:00 AM - 7:00 PM

Section 7. Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English, Spanish and Vietnamese, on the same day of each of two (2) successive weeks not earlier than the thirtieth (30th) day nor later than the fourteenth (14th) day prior to the date set for the Election, in a newspaper published in the City, (ii) posting a copy of this Ordinance, in English, Spanish and Vietnamese at the City Hall on the bulletin board used for posting notices of the meetings of the City Council and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the Election and (iii) posting a copy of this Ordinance, in English, Spanish and Vietnamese, on the City's website, prominently and together with the notice of the Election and the contents of the Proposition, not later than the twenty-first (21st) day prior to the date set for the Election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place. Notice of the Election shall also be provided to the County Clerk of Tarrant County, Texas and the Tarrant County Voter Registrar not later than the 60th day before the Election Day.

Section 8. Conduct of Election. (a) The Election shall be conducted in accordance with the Code under the jurisdiction of the Tarrant County Elections Department (the "Elections Administrator") pursuant to an Election Services Contract (the "Contract") by and among Tarrant County Elections Department, the City and other participating entities, if any, described in the

Contract. The City Manager or the City Manager's designee is authorized to amend or supplement the Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator.

(b) Election judges, alternate judges and clerks shall be paid, as determined by the Elections Administrator, for their service in the Election.

(c) E-slate, a Direct Record Electronic (DRE) System shall be used for early voting by personal appearance, and paper ballots, which are optically scanned, shall be used for early voting by mail. In the May 6, 2017 election, the Elections Administrator shall cause paper ballots, which are optically scanned, to be prepared in the form of the ballot prescribed below, being in both English, Spanish and Vietnamese, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. E-Slate, a Direct Record Electronic (DRE) System shall be provided and used at each polling location on Election Day.

(d) The holding of the Election shall be in compliance with the Code except as modified by other applicable provisions of law.

(e) The election officers shall make returns for the Election in the manner required by law, and the ballots that are properly marked in conformance with the provisions of the Code for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 9. Additional Information Required by Section 3.009 of the Election Code.

(a) As of the October 1, 2016, the first day of the City's current fiscal year, the aggregate principal amount outstanding of tax-supported debt of the City was \$354,185,000.00 and the aggregate amount of outstanding interest on such tax-supported debt was \$97,456,484.23. The City's ad valorem debt service tax rate for the current fiscal year is \$0.190973 per \$100 of assessed valuation of taxable property in the City.

(b) The City intends to issue the bonds authorized by the Proposition over a period of years in a manner and in accordance with a schedule to be determined by the City Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the City's control, and therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Proposition. As such, the information contained in this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The City currently estimates that, if the Proposition is approved and the bonds proposed herein are authorized and issued in accordance with the City's current project plan of finance, the maximum interest rate of the bonds is not expected to exceed 3.5%.

(c) Any additional information required by Section 3.009 of the Code is contained in Sections 2 and 3 of this Ordinance.

Section 10. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 11. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE THIS
FEBRUARY 14, 2017.

